

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

CAROL MENENDEZ,

Plaintiff,

v.

Case No: 2:20-cv-898-SPC-MRM

NAPLES COMMUNITY
HOSPITAL, INC.,

Defendant.

OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 31](#)). Judge McCoy recommends dismissing without prejudice the Complaint because Plaintiff Carol Mendenz has failed to comply with or respond to the Court's Orders. Neither party objects to the Report and Recommendation, and the time to do so has expired days ago.

After conducting a careful and complete review of the findings and recommendations, a district judge "may accept, reject, or modify, in whole or in part," the magistrate judge's report and recommendation. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). In the absence of specific objections, there is no requirement that

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

a district judge review the report and recommendation *de novo*. See *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties do not object, a district court need only correct plain error as demanded by the interests of justice. See, e.g., *Symonette v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985). Plain error exists if (1) “an error occurred”; (2) “the error was plain”; (3) “it affected substantial rights”; and (4) “not correcting the error would seriously affect the fairness of the judicial proceedings.” *Farley v. Nationwide Mut. Ins.*, 197 F.3d 1322, 1329 (11th Cir. 1999).

After careful consideration and an independent review of the case, the Court finds no plain error. It thus accepts and adopts the well-reasoned Report and Recommendation ([Doc. 31](#)) in full.

Accordingly, it is **ORDERED**:

- (1) The Report and Recommendation ([Doc. 31](#)) is **ACCEPTED** and **ADOPTED** and the findings are incorporated herein.
- (2) The Complaint ([Doc. 1](#)) is **DISMISSED without prejudice** for failure to comply with the Court’s Orders and failure to prosecute.
- (3) The Clerk of Court is **DIRECTED** to terminate all pending motions and to close this case.

DONE and **ORDERED** in Fort Myers, Florida on November 8, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record